

N. CIVIL RIGHTS COMPLIANCE

SFAs, receiving USDA foods, are required to ensure that recipients are not discriminated against because of race, color, national origin, sex, age, disability in employment or the provision of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities The Kentucky Department of Education assumes the responsibility for monitoring compliance with the administrative requirements. Exhibit O-2 is the “.....And Justice For All” poster.

Civil Rights Complaints:

All written or verbal complaints alleging discrimination on the basis of race, color, national origin, age, sex, or handicap shall be processed within 90 days upon receipt in the manner prescribed by this Instruction.

A. Procedure for Filing Complaints of Discrimination:

- 1. Right to File a Complaint:** Any person alleging discrimination on the basis of race, color, national origin, age sex, or handicap

has the right to file a complaint within 180 days of the alleged discriminatory action. Under special circumstances, this time limit may be extended by the OMA (Office of Minority Affairs).

2. **Acceptance:** Distributing agencies and recipients agencies shall accept all complaints, written or verbal and shall forward such complaints to Food Distribution Division with a copy to the FNSRO (Food and Nutrition Service Regional Office). It is necessary that the information be sufficient to determine the identity of the agency or individual toward which the complaint is directed, and to indicate the substance and details of a violation. On the Director, OMA can reject a complaint on the basis of lack of merit. Anonymous complaints shall be handled just as any other complaint.

3. **Verbal Complaints:** In the event a complainant makes the allegation verbally or through a telephone conversation and refuses or is not inclined to place such allegation in writing, the

person to whom the allegation is made shall write up the elements of the complaint for the complainant.

Every effort should be made to have the complainant provide the following information:

- a. Name, address and telephone number or other means of contacting the complainant.
- b. The specific location and name of the entity delivering the service of benefit.
- c. The nature of the incident or action that led the complainant to feel discrimination was a factor.
- d. The basis on which the complainant feels discrimination exists (race, color, national origin, age, sex of handicap).
- e. The name, titles, and business addresses of persons who may have knowledge of the discriminatory action.

- f. The date(s) during which the alleged discriminatory action occurred, or if continuing, the duration of such action.

B. Preliminary Inquiry or Investigation:

- 1. **Preliminary Inquiry:** Inquiries requested by OMA shall be performed by the FNSRO within thirty (30) days of the OMA request. Upon completion, a written report shall be forwarded to the CR Division for transmittal to OMA. This report shall state the findings of the inquiry with relation to the specific allegation(s) of the complaint and shall include a summary of all interviews and file examinations. If no findings of discrimination were substantiated, Food Distribution Division will prepare a letter to the Director, OMA, through CR Division recommending closure and a closing letter to the complainant to be signed by the Director, OMA.

2. **Investigation:** Investigations of complaints of discrimination based on race, color, national origin, age, sex, or handicap will be conducted by the OMA. The OMA will forward a copy of the investigation report to the Director, CR Division, who will review and analyze the investigation report to determine whether the report provides evidence of discrimination or civil rights non-compliance as alleged by the complainant. Within ten (10) days of the receipt of the report, CR Division will, with the concurrence of the Director, FD Division, submit the analysis and recommended action(s) to OMA for approval. The Director, OMA, will either recommend that no corrective action be taken pursuant to the allegations or approve corrective action.

3. **Closing Letter to Complainant:** If it is determined by the Director, FD Division, after the Preliminary inquiry of the Director, CR Division, after an investigation, that the complainant's allegations are not substantiated, a proposed closing letter to the complainant will be provided by FD or CR Division

for the signature of the Director, OMA. The proposed letter shall contain the following:

- a. A brief description of the allegation(s).
 - b. The scope of the inquiry or investigation conducted.
 - c. Facts and information from the inquiry or investigation report refuting each allegation.
 - d. Closing statement summarizing the basis on which the determination was made.
4. **Closure of Complaint File:** The OMA is responsible for closure of all Title VI complaint files. Once copies of enclosure letters are received by the FD Division, they shall be forwarded to the appropriate FNSRO.

Rev. 8/97